

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: May 21, 2013
Time: 10:00 a.m.

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In re:

JEFFREY GREENBERG

Chapter 13
Case No.: 13-41405-608

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS:

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge, on the 21ST day of MAY, 2013 at 10:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§ 503(b), 521, 1307(c), & 1326(a)(2), dismissing this case by reason of the debtor(s)' failure to submit monthly pre-confirmation payments, failure provide and/or file documents, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Melville, New York
April 18, 2013

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

*To: Office of the United States Trustee
Jeffrey Greenberg, Pro-Se Debtor*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

JEFFREY GREENBERG

Chapter 13

Case No.: 13-41405-608

Debtor(s)

APPLICATION

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TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on March 13, 2013, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.

2. As of the date of this motion, the debtor(s) has failed to submit any monthly pre-confirmation payments to the Trustee.

3. In addition, as of this date the debtor(s) has failed to provide the Trustee with requested documents, as follows; personal state and federal tax returns for 2011 and 2012 ; list of business assets and their fair market value; operating report(with bank statements and proof of tax deposits); amended Chapter 13 plan; amend to pay all filed claims IRS, New York State Department Tax and Finance; other changes to plan use form plan; amended schedules; amend statement of financial affairs answer all questions completely and accurately; utility bills for the month of March including gas/oil, water, telephone, electric, cable; other documents; 2008 through 2011 tax transcripts; bank statements September 1, 2012 through March 31, 2013 all pages and accounts; accurate means test; credit report; proof mortgage/rent payments made April 1, 2013; turnover 2012 tax refunds upon receipt to trustee; detailed affidavit regarding disputed debts.

4. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

Dated: Melville, New York
April 18, 2013

/s/ Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
135 Pinelawn Road – Suite 120 South
Melville, New York 11747
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

MAUREEN MILLER, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On April 18, 2013, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee
United States Bankruptcy Court
271 Cadman Plaza East, Suite 4529
Brooklyn, NY 11201*

*Jeffrey Greenberg
9511 Shore Road Apt# 301
Brooklyn, NY 11209*

/s/ Maureen Miller
MAUREEN MILLER

Sworn to before me this
18th day of APRIL, 2013

/s/ Janine M. Zarrilli
NOTARY PUBLIC

Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2013